

PATENT

(Practitioner's Docket No. IN-5518)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Chris BRADFORD et al.

Serial No.: 09/941,118

Filed: August 28, 2001

Group Art Unit: 1711

Examiner: BERMAN, Susan W.

For: DUAL CURE COATING COMPOSITION AND PROCESSES FOR USING  
THE SAMECommissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450CERTIFICATE OF FACSIMILE TRANSMISSIONI hereby certify that the following papers are being facsimile transmitted to the Patent and  
Trademark Office (fax No.: (703) 872-9310 on the date shown below:

- ☒ Revised Amendment Under 37 CFR § 1.111, pages 1-14
- ☒ Copy of Non-Compliant Amendment (Voluntary Revised Practice)
- ☒ Amendment Transmittal in duplicate

Total pages 24

Thursday, May 22, 2003

Date

Marjorie Ellis

(Typed or printed name of person mailing paper or fee)

  
Signature of person mailing paper or fee)

B#11  
10/20/03  
AS

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USING THE SAME

Group Art Unit: 1711

Examiner: BERMAN, Susan W.

I hereby certify that the attached correspondence is being transmitted by facsimile to the Commissioner of Patents and Trademarks, USPTO, Commissioner for Patents, Alexandria, Virginia 22202-3514, on the date shown below via transmission to facsimile number (703)-872-9310.

May 22, 2003

Date

  
Marjorie EllisREVISED AMENDMENT UNDER 37. CFR § 1.111IN RESPONSE TO NON-COMPLIANT AMENDMENT MAILED ON May 15, 2003Commissioner for Patents,  
Alexandria, Virginia 22202-3514

Dear Sir:

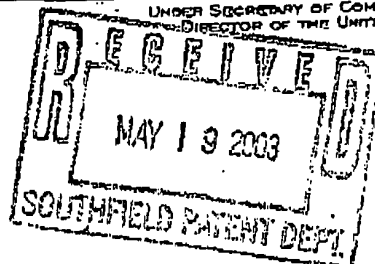
## INTRODUCTORY REMARKS

This is in response to the outstanding Office Action of December 5, 2002 wherein pending claims 1-30 were rejected. Reconsideration is respectfully requested in view of the following amendments and/or remarks.

The shortened statutory period for response expired on March 5, 2003. Accordingly, a Petition for a Three-Month Extension of Time is attached hereto. The Director - U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account 23-3425 the necessary extension fees identified in the attached Petition and any other fees necessary for entry of this amendment.



## UNITED STATES PATENT AND TRADEMARK OFFICE

 UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
 DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, DC 20231  
 www.uspto.gov


Paper No. 10

# Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 5/6/03 under the voluntary revised amendment practice guidelines<sup>1</sup>, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- ☒ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☐ 2. The listing of claims does not include the text of all claims currently under examination.
- ☐ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.
- ☐ 5. Other: \_\_\_\_\_

LIE: Check one of the following boxes:

- ☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

Nicol S. [Signature]

Supervisory Legal Instruments Examiner (SLIE)

703-305-0267

<sup>1</sup> For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at:  
<http://www.uspto.gov/web/offices/pac/dapp/opla/preoanotice/officeflyer.pdf> and  
<http://www.uspto.gov/web/offices/pac/dapp/opla/preoanotice/formatrevamdtprc.pdf>

March 18, 2003

Received from <2489482093> at 5/22/03 8:37:19 AM [Eastern Daylight Time]

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For: DUAL CURE COATING COMPOSITION AND PROCESSES FOR USING THE SAME

Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

## AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

## STATUS

2. Applicant is  
[ ] a small entity -- verified statement:  
[ ] attached  
[ ] already filed.  
[X] other than a small entity.

## CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents, P.O. BOX 1450, Alexandria, Virginia 22313-1450.

## FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office.

Date: May 22, 2003

Marjorie Ellis  
signature

Marjorie Ellis

(type or print name of person certifying)

(Amendment Transmittal [9-19]--page 1 of 4)

**EXTENSION OF TERM**

**Note:** **Extension of Time In Patent Cases (Supplement Amendments)** — if a timely and complete response has been filed after a Non-final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run. \*Notice of December 10, 1985 (1981 O.G. 34-35).

**Note:** See 37 CFR 1.646 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

(a) ☒ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00
<input type="checkbox"/> Two months	\$ 400.00
<input checked="" type="checkbox"/> three months	\$ 930.00
<input type="checkbox"/> four months	\$1,440.00
<input type="checkbox"/> five months	\$1,960.00

**Fee \$930.00**

if an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for \_ months has already been secured and the fee paid therefor of 0.00 is deducted from the total fee due for the total \_ months of extension now requested.

**Extension fee due with this request Fee \$930.00**

OR

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment Transmittal [9-19]—page 2 of 4)

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 1)		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	
TOTAL .	MINUS ..	=	x18=	\$	
INDEP. .	MINUS ...	=	X84=	\$	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+290=	\$	
			TOTAL ADDIT. FEE	\$	

- . If the entry in Col. 1 is less than entry in Col. 2 write "0" in Col.3.  
 .. If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".  
 ... If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR § 1.116(a) (emphasis added).

(complete (c) or (d) as applicable)

- (c) ☒ No additional fee for claims is required.

OR

- (d) ☐ Total additional fee for claims required \$\_\_\_\_\_.

#### FEE PAYMENT

5. ☐ Attached is a check in the sum of \$
- ☒ Charge Account No. 23-3425 the sum of \$930.00

A triplicate of this transmittal is attached.

(Amendment Transmittal [8-19]—page 3 of 4)

## FEE DEFICIENCY

an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986. (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 23-3425.

AND/OR

☒ If any additional fee for claims is required, charge Account No. 23-3425.

Reg. No.: 42,906

Michael F. Morgan 5-22-03  
SIGNATURE OF ATTORNEY

Michael F. Morgan  
Type or print name of attorney

Tel. No.: (248) 948-2355

BASF Corporation  
26701 Telegraph Road  
P.O. Address

Southfield, Michigan 48034-2442

CUSTOMER NO. 26922

(Amendment Transmittal [9-19]--page 4 of 4)